

NORTHWEST NATIONAL FIRE PLAN PROJECT DESIGN AND CONSULTATION PROCESS

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CHAPTER 1. INTRODUCTION

This process was designed with two main objectives:

- **Consultation** – To help expedite section 7 consultations between the land management and consulting agencies on low-impact, low-risk projects, freeing staff time for more complex projects. If a project meets the requirements of this process, the consulting agency would issue an expedited letter of concurrence within 14 days of receiving the official request for concurrence.
- **Project Planning** – To help land management agencies, in coordination with the consulting agencies, plan and design projects to minimize or avoid potential adverse impacts to one or more species.

1.0 Background

Extensive wildland fires during the summer of 2000 raised public awareness regarding the impact of decades of fire suppression on the health and safety of the natural and human environment. Consequences of the 2000 wildfires were vast and varied. Public and private lands burned, often encompassing entire watersheds critical to community water supplies and affecting both aquatic and terrestrial species and their habitats. Without intervention, recovery will be slow and undesirable changes in vegetation composition may occur in some areas. In August, 2000, the President asked the Secretaries of the Interior and the Department of Agriculture to prepare a report (*National Fire Plan; Managing the Impact of Wildfires on the Communities and the Environment*) recommending response measures directed at reducing the fire impacts on rural communities and ensuring sufficient firefighting resources for the future.

Also, prior to the preparation of the National Fire Plan, the Government Accounting Office published the report *Western Forests: A Cohesive Strategy Is Needed to Address Catastrophic Wildfire Threats* (GAO/RCED-99-65). In response to this GAO report, the U.S. Forest Service wrote the Cohesive Strategy (*Protecting People and Sustaining Resources in Fire-Adapted Ecosystems*) to define processes to restore and maintain healthy fire-adapted ecosystems across the interior west by:

- \$ Improving the resilience and sustainability of forests and grasslands at risk;
- \$ Conserving species and biodiversity;
- \$ Reducing wildfire costs, losses, and damages, and;
- \$ Better ensuring public and firefighter safety.

In support of these efforts, Congress allocated \$1.6 billion in 2001 for fire-related activities, including restoration of burned areas and activities to reduce hazards in unburned areas. With this new focus, land management and consulting agencies in the Northwest recognized the need for closer interagency coordination of fire-related management activities to further the purposes of the Endangered Species Act (ESA) and meet agency missions to conserve proposed, threatened, and endangered fish, wildlife, and plant species and other species at risk. Necessary interagency coordination would include: consulting on listed species, providing more consistent management of species at risk, and providing agencies a consistent consultation approach across the ranges of species not possible before. An Interagency Conservation and Consultation Planning Team was formed to oversee all activities related to this opportunity on Bureau of Land Management (BLM) administered areas in Washington, Oregon, Idaho, Montana, Utah, Nevada, and western Wyoming; and U.S.D.A. Forest Service (USFS) Regions 1, 4, and 6. The interagency team includes members from across the geographic area described above, representing the BLM, USFS, NOAA Fisheries (National Marine Fisheries Service) and U.S. Fish and Wildlife Service (FWS).

A Technical Team was convened in Fall 2000, and assigned the task of developing an efficient and expedient process for ESA compliance for National Fire Plan projects in the Northwest. This process will promote consistency across administrative units, provide efficiency in the consultation process, and promote conservation and recovery of Federally listed, proposed, candidate, and other sensitive species, and proposed or designated critical habitats. This process tiers to two key objectives of the National Fire Plan: (1) restore damaged landscapes, including burned area stabilization and restoration and (2) fund projects that reduce fire risks. The technical team developed criteria to screen projects for potential effects to selected species and their habitat. These criteria were designed to expedite consultation on low-impact, low-risk projects, freeing staff time for the more complex projects as well as to assist land managers in planning projects. These criteria were not intended to imply anything about the values or priorities of a particular project.

Criteria to screen projects for potential effects to listed, proposed, candidate, and other sensitive species and designated and proposed critical habitat were developed by interagency teams of activity and species experts. These criteria can assist staff in analyzing potential impacts of projects and developing documentation of the effects to these species, concluding with an effects determination. The criteria may also guide future project development and simplify the consultation or conferencing process for projects that meet “not likely to adversely affect” (NLAA) criteria for the species and critical habitat or provide for conservation of species at risk throughout their range.

In developing this screening process, the team prioritized work on species or groups of species based on their breadth of distribution within the Northwest. Emphasis was placed on those species having the greatest distribution or those commonly occurring in the Northwest. This increased the potential for use of the screening process and application of effects determination criteria to expedite consultations range-wide, reduce inconsistencies, and provide for consistent

conservation methods for non-listed species. Effects determination criteria were developed to screen National Fire Plan projects for those actions "not likely to adversely affect" or to contribute toward the trend for federal listing of species at risk in the Northwest. The following species and species groups were selected for the initial criteria development:

- 1) Salmonids - Sockeye salmon (*Oncorhynchus nerka*), coho salmon (*Oncorhynchus kisutch*), steelhead trout (*Oncorhynchus mykiss*), chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), redband trout (*Oncorhynchus mykiss gairdneri*), and the following subspecies of cutthroat trout (*Oncorhynchus clarki*) – coastal, Bonneville, Yellowstone, westslope, Lahontan, Paiute, Colorado River.
- 2) Plants – Ute ladies'-tresses (*Spiranthes diluvialis*), Spalding's catchfly (*Silene spaldingii*), MacFarlane's four o'clock (*Mirabilis macfarlanei*), slender moonwort (*Botrychium lineare*), Maguire daisy (*Erigeron maguirei*), wonderland Alice-flower (*Alicelia caespitosa*), slickspot peppergrass (*Lepidium papilliferum*), San Rafael cactus (*Pediocactus despainii*), Winkler cactus (*P. winkleri*), Wright's fishhook cactus (*Sclerocactus wrightiae*), Last Chance Townsendia (*Townsendia aprica*), water howellia (*Howellia aquatilis*);
- 3) Canada lynx (*Lynx canadensis*)
- 4) grizzly bear (*Ursus arctos*)
- 5) gray wolf (*Canis lupus*)
- 6) bald eagle (*Haliaeetus leucocephalus*)
- 7) greater sage-grouse (*Centrocercus urophasianus*).

Teams analyzed the potential effects of 14 of the categories of National Fire Plan activities (Activity Types) on each species or species group and its habitat. One or more of these Activity Types should cover the majority of the activities funded under the National Fire Plan in the Northwest.

The worksheets provided for documenting the process include:

- 1) **Criteria Application Worksheet** for use in documenting the effects pathways and rationale for effects determinations (will also be used for documentation of project effects for non-listed species) and
- 2) **Consultation Summary Worksheet** for summarizing the results of applying the effects determination criteria for the entire project.
- 3) **Project Tracking Worksheet** for tracking the crosswalk between the National Environmental Policy Act (NEPA) documentation and the ESA, and application of the effects determination criteria to the project.

Additional materials are provided on the web site and will be updated as more become available.

1.1 Purpose

1.11 Consultation

One of the purposes of this process is to provide a mechanism for land managers and consulting agencies in the Northwest to coordinate fire-related management activities to conserve proposed, threatened, and endangered species, and other species at risk. As part of this process, criteria were designed for screening National Fire Plan projects for potential effects to species and their habitat. This consultation process and the use of the criteria do not imply priority of a particular project or replace interagency consultation processes currently meeting the land management and regulatory agencies' objectives. Use of the criteria should help expedite consultation between the land management and consulting agencies on low-impact, low-risk projects, freeing staff time for more complex projects. Some projects that are designed to promote species conservation (e.g., culvert replacement) may carry some potential short-term adverse effects for that species (e.g., sedimentation) but they have long-term benefits (e.g., fish passage). In cases such as this, the fact that a project does not meet all applicable criteria does not mean that the project should necessarily be dropped or modified. Values of the project to forest health and species habitat restoration should be the primary objective and must be evaluated in deciding whether to proceed with a project.

If the specific requirements of this process for consultation cannot be met, the materials and documentation developed during this process will still be valuable and should help expedite consultation, which would be handled through your standard consultation processes (streamlining processes or other agency procedures).

1.12 Project Planning

In addition to streamlining section 7 consultation on fire related projects, use of the criteria early in the planning process can guide project development and design. This process has value for planning and National Environmental Policy Act (NEPA) related efforts. Examples of where this process could be used include land use plan amendment preparation; recreation, wildlife,

range, and energy and mineral related action analysis. Application of this process would assist in scoping, development of alternatives, and NEPA impact analysis. This process would be most effective using a Level 1 Streamlining Team or other agency interdisciplinary team procedures. The use of this process by both action and consulting agencies early in project planning will minimize or avoid potential adverse impacts to special status (including candidate) species.

1.2 Relation to Other Levels of Planning

Several Region-level and administrative unit-level management plans exist within the area covered by the Northwest National Fire Plan Project Design and Consultation Process, which, described below, does not in any way amend or supercede these existing plans, nor does this process replace existing programmatic biological opinions. These criteria are not part of a regional planning process, but rather are a tool for use in implementing these plans.

1.21 National Forest Land and Resource Management Plans (LRMP) and BLM Resource Management Plans (RMP)

These criteria can be used to design and implement projects as directed under individual LRMPs/RMPs. LRMP/RMP direction always takes precedence over the effects determination criteria and if conflicting direction exists between the two, the LRMP/RMP standards and guides will apply. Under these circumstances, the project may not be eligible for the 14-day expedited consultation. If the effects determination criteria are more restrictive than the LRMP/RMP direction, it is strongly recommended that the action agency apply the effects determination criteria.

1.22 The Northwest Forest Plan

The Northwest Forest Plan was implemented through amendment to the LRMPs for the administrative units within the range of the northern spotted owl. As described above, these criteria can be used to design and implement projects consistent with the LRMP direction, but do not take precedence over the Plans, as amended.

1.23 Regional Programmatic Biological Opinions - PACFISH and INFISH

The criteria for salmonids do not replace existing direction and requirements in PACFISH, INFISH, any biological opinions, or LRMPs/RMPs. All provisions of these documents continue to apply. The provisions of interagency conservation agreements also continue to apply.

Criteria for ground-disturbing activities within Riparian Habitat Conservation Areas (RHCA) were designed to avoid sediment delivery to streams or reduce it to a negligible amount. If application of the criteria in a local situation does not meet this intent, additional measures to ensure sediment delivery is avoided or negligible may be appropriate and should be developed through the local Level 1 Streamlining Team or equivalent interagency group.

1.24. Regional Conservation Strategies and Recovery Plans

Given the large geographic scale of this effort, several regional conservation strategies and recovery plans are being implemented in the area covered by the criteria. Examples include the *Canada Lynx Conservation Assessment and Strategy* (Reudiger et al. 2000), recovery plans for the grizzly bear, gray wolf, and several plant species. Where possible, species teams designed criteria for consistency with this regional direction. However, given the large geographic area, the different objectives (recovery versus effects determination), and differences across species ranges, the criteria may not always be consistent with these strategies and recovery plans. If the strategy or recovery plan suggests more restrictive treatment, agencies should consider applying these more restrictive elements to further conservation of the species. If the effects determination criteria are more restrictive than strategy or recovery plan direction, then application of the effects determination criteria would benefit the action agency. Projects must be consistent with the criteria to qualify for the 14-day expedited consultation process.